PENDING CLAIMS AS AMENDED

Please amend the claims as follows:

1.   (Original) A method of dynamically setting a rise-over-thermal (ROT) threshold in a communication system, the method comprising:

determining whether an outage of communication has occurred;

increasing the ROT threshold by a predetermined increment if the outage has not occurred; and

decreasing the ROT threshold by a predetermined decrement if the outage has occurred.

2.   (Original) The method of claim 1, further comprising setting a reverse activity bit (RAB) to 1 if the outage has occurred.

3.   (Original) The method of claim 1, further comprising initially setting the ROT threshold to a predetermined minimum ROT threshold.

4.   (Original) The method of claim 1, further comprising:

determining whether the ROT threshold is equal to a predetermined maximum threshold prior to the step of increasing the ROT threshold; and

maintaining the ROT threshold at the predetermined maximum threshold if the ROT threshold is equal to the predetermined maximum threshold and the outage has not occurred.

5.   (Original) The method of claim 1, wherein the step of determining whether the outage of communication has occurred comprises:

determining which one of a plurality of access terminals is transmitting data to a base transceiver station at a lowest data rate;

determining whether a set of data received from the access terminal transmitting at the lowest data rate has an error; and

setting a warning flag for the access terminal transmitting at the lowest data rate has an error.

6.   (Original) The method of claim 5, wherein the step of determining whether the outage of communication has occurred further comprises:

determining whether a second set of data received from the access terminal transmitting at the lowest data rate has an error; and

declaring the outage for the access terminal transmitting at the lowest data rate has an error.

7.   (Original) The method of claim 6, wherein the step of determining whether the outage of communication has occurred further comprises eliminating the warning flag for the access terminal transmitting at the lowest data rate if the second set of data received from the access terminal transmitting at the lowest data rate does not have an error.

8.   (Original) The method of claim 5, wherein the step of determining whether the set of data received from the access terminal transmitting at the lowest data rate has an error comprises determining whether a packet received from the access terminal transmitting at the lowest data rate has a frame error.

9.   (Original) The method of claim 8, wherein the step of determining whether the outage of communication has occurred further comprises declaring the outage for the access terminal transmitting at the lowest data rate if two consecutive packets received from the access terminal transmitting at the lowest data rate have frame errors.

10.   (Original) The method of claim 5, further comprising determining whether an outage has occurred at another one of the access terminals.

11.   (Original) The method of claim 5, further comprising:

determining the number of access terminals with warning flags in a given sector communicating with the base transceiver station; and

declaring an outage for the sector if the number of access terminals with the warning flags exceeds a predetermined number.

12.   (Currently Amended) A~~n~~ base transceiver station apparatus, comprising:

~~means for receiving data in a plurality of packets from a plurality of access terminals; and~~

~~means for dynamically setting a rise-over-thermal (ROT) threshold for the access terminals~~

<u>means for determining whether an outage of communication has occurred at one of the access terminals;</u>

<u>means for increasing the ROT threshold by a predetermined increment if the outage has not occurred; and</u>

means for decreasing the ROT threshold by a predetermined decrement if the outage has occurred.

13.   (Cancelled.)

14.   (Currently Amended) The apparatus of claim 12~~13~~, further comprising means for setting a reverse activity bit (RAB) to 1 if the outage has occurred.

15.   (Currently Amended) The apparatus of claim 12 ~~13~~, wherein the means for dynamically setting the ROT threshold further comprises means for initially setting the ROT threshold to a predetermined minimum ROT threshold.

16.   (Currently Amended) The apparatus of claim 12 ~~13~~, wherein the means for dynamically setting the ROT threshold further comprises:

means for determining whether the ROT threshold is equal to a predetermined maximum threshold prior to increasing the ROT threshold; and

means for maintaining the ROT threshold at the predetermined maximum threshold if the ROT threshold is equal to the predetermined maximum threshold and the outage has not occurred.

17.   (Currently Amended) The apparatus of claim 12 ~~13~~, wherein the means for determining whether the outage of communication has occurred comprises:

means for determining which one of the access terminals is transmitting data at a lowest data rate;

means for determining whether a set of data received from the access terminal transmitting at the lowest data rate has an error; and

means for setting a warning flag for the access terminal transmitting at the lowest data rate if the set of data received from the access terminal transmitting at the lowest data rate has an error.

18.   (Original) The apparatus of claim 17, wherein the means for determining whether the outage of communication has occurred further comprises:

means for determining whether a second set of data received from the access terminal transmitting at the lowest data rate has an error; and

means for declaring the outage for the access terminal transmitting at the lowest data rate if the second set of data received from the access terminal transmitting at the lowest data rate has an error.

19. (Original) The apparatus of claim 18, wherein the means for determining whether the outage of communication has occurred further comprises means for eliminating the warning flag for the access terminal transmitting at the lowest data rate if the second set of data received from the access terminal transmitting at the lowest data rate does not have an error.

20. (Original) The apparatus of claim 17, wherein the means for determining whether the set of data received from the access terminal transmitting at the lowest data rate has an error comprises means for determining whether a packet received from the access terminal transmitting at the lowest data rate has a frame error.

21. (Original) The apparatus of claim 20, wherein the means for determining whether the outage of communication has occurred further comprises means for declaring the outage for the access terminal transmitting at the lowest data rate if two consecutive packets received from the access terminal transmitting at the lowest data rate have frame errors.

22. (Currently Amended) The apparatus of claim 12 ~~13~~, wherein the means for dynamically setting the ROT threshold further comprises:

means for determining whether an outage has occurred at another one of the access terminals.

23. (Currently Amended) The apparatus of claim 12 ~~13~~, wherein the means for dynamically setting the ROT threshold further comprises:

means for determining the number of access terminals with warning flags in a given sector; and

means for declaring an outage for the sector if the number of access terminals with the warning flags exceeds a predetermined number.

24. (Previously Presented) A computer program product comprising:

computer readable medium for dynamically setting a rise-over-thermal (ROT) threshold in a communication system, comprising:

instructions for determining whether an outage of communication has occurred;

instructions for increasing the ROT threshold by a predetermined increment if the outage has not occurred;

instructions for decreasing the ROT threshold by a predetermined decrement if the outage has occurred.

25-34. (Cancelled.)

35. (Currently Amended) A base transceiver station having at least one input and at least one output comprising:

a transceiver having at least one input and at least one output;

a rise-over-thermal threshold processor having at least one input and at least one output, wherein said at least one input is ~~operably~~ connected to said at least one output of said transceiver and said at least one output is ~~operably~~ connected to said at least one output of said base transceiver station; and

at least one antenna having at least one input and at least one output, wherein said at least one output is ~~operably~~ connected to said at least one input of said transceiver and said one input is ~~operably~~ connected to said at least one input of said base transceiver station.

36. (Currently Amended) The base transceiver, according to claim 35, wherein said transceiver ~~is adapted to~~ receives data in a plurality of packets from a plurality of access terminals and said riseover- thermal threshold processor ~~is adapted to~~ dynamically sets a rise-over-thermal threshold for said access terminals.

37. (Currently Amended) The base transceiver, according to claim 36, wherein said rise-over-thermal threshold processor ~~is further adapted to~~:

determines whether an outage of communication has occurred at one of said access terminals;

increases said rise-over-thermal threshold by a predetermined increment if said outage has not occurred; and

decreases said rise-over-thermal threshold by a predetermined amount if said outage has occurred.

38. (Currently Amended) The base transceiver according to claim 37, wherein said rise-over-thermal threshold processor ~~is further adapted to~~ sets a reverse activity bit to 1 if said outage has occurred.

39.   (Currently Amended) The base transceiver according to claim 37, wherein said rise-over-thermal processor ~~is further adapted to~~ initially sets the rise-over-thermal threshold to a predetermined minimum rise-over-thermal threshold.

40.   (Currently Amended) The base transceiver according to claim 37, wherein said rise-over-thermal processor ~~is further adapted to~~:

determines whether said rise-over-thermal threshold is equal to a predetermined maximum threshold prior to increasing said rise-over-thermal threshold; and

maintains said rise-over-thermal threshold at said predetermined maximum threshold if said rise-over-thermal threshold is equal to said predetermined maximum threshold and said outage has not occurred.

41.   (Currently Amended) The base transceiver of claim 37, wherein said rise-over-thermal processor ~~is further adapted to~~:

determines which one of said access terminals is transmitting data at a lowest data rate;

determines whether a set of data received from said access terminal transmitting at said lowest data rate has an error; and

sets a warning flag for the access terminal transmitting at the lowest data rate if the set of data received from said access terminal transmitting at the lowest data rate has an error.

42.   (Currently Amended) The base transceiver of claim 41, wherein said rise-over-thermal processor ~~is further adapted to~~:

determines whether a second set of data received from said access terminal transmitting at said lowest data rate has an error; and

declares said outage for said access terminal transmitting at said lowest data rate if said second set of data received from said access terminal transmitting at said lowest data rate has an error.

43.   (Currently Amended) The base transceiver of claim 42, wherein said rise-over-thermal processor ~~is further adapted to~~ eliminates said warning flag for said access terminal transmitting at said lowest data rate if said second set of data received from said access terminal transmitting at said lowest data rate does not have an error.

44.   (Currently Amended) The base transceiver of claim 41, wherein said rise-over-thermal processor ~~is further adapted to~~ determines whether a packet received from said access terminal transmitting at said lowest data rate has a frame error.

45.   (Currently Amended) The base transceiver of claim 44, wherein said rise-over-thermal processor ~~is further adapted to~~ declares said outage for said access terminal transmitting at said lowest data rate if two consecutive packets received from said access terminal transmitting at said lowest data rate have frame errors.

46.   (Currently Amended) The apparatus of claim 37, wherein said rise-over-thermal processor ~~is further adapted to~~ determines whether an outage has occurred at another one of said access terminals.

47.   (Currently Amended) The base transceiver of claim 37, wherein said rise-over-thermal processor ~~is further adapted to~~:

determines said number of access terminals with warning flags in a given sector; and

declares an outage for said sector if said number of access terminals with said warning flags exceeds a predetermined number.

48.   (New) A processor for setting a rise-over-thermal threshold, the processor comprising:

means for determining whether an outage of communication has occurred at an access terminal;

means for increasing the rise-over-thermal threshold by a predetermined increment if said outage has not occurred; and

means for decreasing said rise-over-thermal threshold by a predetermined amount if said outage has occurred.